

**Saint Paul Planning Commission
City Hall Conference Center
15 Kellogg Boulevard West**

Minutes June 10, 2011

A meeting of the Planning Commission of the City of Saint Paul was held Friday, June 10, 2011, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. Halverson, Perrus, Reveal, Thao, Young; and Messrs. Commers, Connolly, Fernandez, Gelgelu, Kramer, Nelson, Ochs, Oliver, Spaulding, and Ward.

Commissioners Absent: Mmes. *Merrigan, *Porter, *Wang, *Wencl, and Messrs. *Schertler, and *Wickiser.

Absent: *Excused

Also Present: Donna Drummond, Planning Director; Lucy Thompson, Penelope Simison, Sarah Zorn, Kate Reilly, Jessica Rosenfeld, Josh Williams, Ryan Kelley, and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes May 27, 2011.

Chair Commers requested that on page 4, paragraph 4 of the May 27th minutes that Commissioner Schertler's question and the response to the question be clarified.

MOTION: *Commissioner Reveal moved approval of the minutes of May 27, 2011 as amended. Commissioner Thao seconded the motion. The motion carried unanimously on a voice vote.*

II. Chair's Announcements

Chair Commers announced that on Thursday, June 16th at 5:00 p.m. the unveiling of the Great River Park Master Plan will take place at Harriet Island. The Mayor's office is requesting RSVPs from those planning on attending.

III. Planning Director's Announcements

Donna Drummond requested that the commissioners get their biographies submitted to her within the next week so that the biographies can be finalized.

IV. Zoning Committee

SITE PLAN REVIEW – List of current applications. *(Tom Beach, 651/266-9086)*

Four items came before the staff Site Plan Review Committee on June 7, 2011. Yang Parking Lot at 1046 Rice Street, pave existing dirt lot, add curb cut, rain garden, new patio and lighting;

Hancock – Hamline School Parking lot at 1599 Englewood Avenue, modify parking lots and drop-off lane; Academia Caesar Chavez at 1800 Ames Avenue, 4 classroom modular building; Strategic Materials at 195 Minnehaha Avenue East, modify existing rail spur structures to accommodate rail car loading/unloading needs.

One item will come before the staff Site Plan Review Committee on June 14, 2011. Laurel Apts Parking lot #3 at 2057 Laurel Avenue, new asphalt on existing gravel lot.

NEW BUSINESS

#11-140-713 Forrest Lehman – Re-establishment of nonconforming use as a duplex. 859 Hoyt Avenue West. (Sarah Zorn, 651/266-6570)

MOTION: Commissioner Kramer moved the Zoning Committee’s recommendation to approve the re-establishment of nonconforming use subject to additional conditions. The motion carried unanimously on a voice vote.

#11-141-752 Gary Blair – Establishment of Legal Nonconforming Use for outdoor storage in a semi trailer. 1121 Minnehaha Avenue East, NE corner at Frank. (Josh Williams, 651/266-6659)

MOTION: Commissioner Kramer moved the Zoning Committee’s recommendation to approve the establishment of legal nonconforming use subject to additional conditions. The motion carried unanimously on a voice vote.

#11-141-212 Renaissance Fireworks Inc – Conditional Use Permit for seasonal outdoor sale of consumer fireworks with modification of days operation. 1674 Suburban Avenue, SE corner of intersection with Kennard. (Kate Reilly, 651/266-6618)

MOTION: Commissioner Kramer moved the Zoning Committee’s recommendation to approve the conditional use permit subject to additional conditions. The motion carried unanimously on a voice vote.

Commissioner Kramer announced the items on the agenda for the next Zoning Committee meeting on Thursday, June 16, 2011.

V. Comprehensive Planning Committee

No report.

VI. Neighborhood Planning Committee

District 6 Small Area Plan 40-Acre Study – Approve resolution to initiate a zoning study. (Penelope Simison, 651/266-6554)

Commissioner Nelson said that in March the Planning Commission initiated preparation of a district-wide small area plan for District 6 that is intended to include three major components: including the still-relevant policies from adopted small area plans within District 6; strategies for Como/Front/Dale, which is a Neighborhood Center identified in the Comprehensive Plan; and, strategies for the industrial areas that, in part, address the conflicts between existing residential

and industrial uses on industrially zoned land. The industrially-zoned area includes larger and smaller industrial businesses, both those developed relatively recently and long-standing businesses that have been in operation for many years. District 6 is concerned about the number of residential uses within the industrial area, the conflicts between these disparate uses, as well as the impacts of the industrial area on adjacent residential neighborhoods.

A community based task force, authorized by the Commission in March, has been discussing approaches for dealing with the residential-industrial conflicts. Even though the discussions are continuing, it has become clear that any approaches for addressing the conflicts are likely to require zone changes within the study area. Consequently, it is necessary to initiate a 40-acre study so that possible zone changes can be scrutinized fully.

MOTION: Commissioner Nelson moved the Neighborhood Planning Committee's recommendation to approve the resolution initiating a plan and zoning study. The motion carried unanimously on a voice vote.

District 9 Residential Zoning Study - Release for public review and set public hearing for July 22, 2011. (Jessica Rosenfeld, 651/266-6560)

Jessica Rosenfeld, PED staff, presented the District 9 Residential Zoning Study. The zoning study was requested by City Council because of a concern that single family homes were being converted into duplexes and triplexes. The current zoning of the area is RT2 and RM3; the current land use is mostly single-family homes with some duplexes, triplexes, and 4-plexes, and a few larger blocks of multi-family housing. The zoning study only looks at the residential land uses and the residential zoning. The staff analysis of the area found that there are a lot fewer duplexes, triplexes and small multi-family housing than were there 25 years ago. The draft District 9 Residential Zoning Study includes five maps showing residential land uses (Map 1), current zoning (Map 2), minimum lot size requirements for duplexes (Map 3), proposed zoning (Map 4), and duplexes and triplexes that would become nonconforming in the proposed R4 zones.

Chair Commers said that 44 duplex/triplex properties would become nonconforming under the proposed R4 zoning. Has there been any discussion about the availability of lending for owners of properties that become nonconforming, as there was during the Central Corridor zoning process? Rosenfeld said that the availability of lending was not discussed.

Ms. Drummond, Planning Director, added that they discussed nonconforming properties with several lenders at the time of the Central Corridor Zoning Study. The banks they talked to indicated that non-conforming status is not a concern for an existing use. The only concern is if a use is nonconforming and is vacant for more than a year that it has to be re-established.

Commissioner Spaulding asked if all of the properties that would become nonconforming were ones built as single family homes and converted to duplexes.

Ms. Rosenfeld said yes, at least that is the way they appeared from an exterior visual inspection during the field work.

MOTION: On behalf of the Neighborhood Planning Committee, Commissioner Nelson moved to release the draft for public review and set a public hearing on July 22, 2011. The motion carried unanimously on a voice vote.

District 9 Commercial Zoning Study - Release for public review and set public hearing for July 22, 2011. (Lucy Thompson, 651/266-6578)

Lucy Thompson, PED staff, said the primary purpose of the study is to look at the consistency of existing zoning and land use with the jobs, economic development and housing strategies in the recently-adopted *District 9 Area Plan*. In particular, there are two groups of parcels of concern to the neighborhood: the Kraus Anderson properties across Grand/Ramsey from United/Children's Hospitals (with a concern regarding the encroachment of hospital buildings across Grand/Ramsey), and the vacant tire repair shop on W. 7th (with a concern for future land use of this parcel immediately adjacent to residential uses). Most of the commercial zoning along W. 7th east of Smith Avenue is B3; west of Smith Avenue, it is B2. All residentially-zoned parcels were specifically excluded from the commercial zoning study. The parcels recommended for rezoning to T1 in the D9 Residential Zoning Study will be a good transition zone between the T2 being recommended in the D9 Commercial Zoning Study and the adjacent residential parcels. Several parcels in the Commercial Zoning Study are used by Bonfe's Auto Body and Mechanical Service, currently zoned B3. The auto body business is legally non-conforming under B3; this status would not change with a rezoning to T2. The auto repair business is currently conforming and would become legally nonconforming with the change to T2. Not only is T2 a better fit with *District 9 Area Plan* goals and strategies, and desired future land use in the neighborhood, but it also brings with it compliance with design guidelines that relate very closely to the Fort Road Design Guidelines. T2 is a nice fit between land use, density and the ability to incorporate design guidelines into future development.

Donna Drummond, Planning Director, added that there were two separate resolutions and ordinances that were passed by the City Council requesting the residential and the commercial zoning studies, which is why these are being done separately. A moratorium was also passed at the time the studies were initiated; the moratorium expires on October 27, 2011.

Commissioner Nelson asked whether, since this area is close to downtown and the Xcel Centre, there was any discussion about T3, especially since there is a lot of parking at Smith, Ramsey and W. 7th, and it might make sense to achieve a little higher density than T2.

Ms. Thompson said that West 7th between Grand, Ramsey and downtown is zoned T2, so this would simply be a continuation of existing zoning. If anything, T3 might be more appropriate closer to Kellogg Boulevard, but not this far out on W. 7th. In addition, the neighborhood fabric immediately behind this part of W. 7th is mostly single-family and duplex residential, and T2 is a better transition between the commercial corridor and adjacent residential, in terms of both land use and density.

Commissioner Nelson said that he has had experience with the T3 in the Victoria Park urban village. Ms. Thompson explained that Victoria Park is different because it is a 65-acre ex-industrial site that is large enough to accommodate new streets to "reweave" the urban village back into the larger neighborhood; just the sort of situation T3 is intended to address. Also, there is a lot of sensitivity in the Fort Road Federation neighborhood about the relationship between businesses on W. 7th and the adjacent residential fabric. T2 makes sense from a planning standpoint, but it's also the most politically viable way to go.

Commissioner Connolly asked for more explanation of District 9's or the neighborhood's concerns about the hospital expanding and whether they have similar concerns about Bonfe, since Bonfe owns a big chunk of land.

Ms. Thompson has not heard concerns about Bonfe, the concern about the hospital goes back twenty years or more. The concern is the encroachment of big-footprint, intensive hospital buildings across W. 7th and Grand/Ramsey that might destroy or negatively impact both the scale and type of uses along W. 7th and bordering Irvine Park. There is a verbal agreement between the hospital and Federation that there would not be expansion across either of these streets.

MOTION: On behalf of the Neighborhood Planning Committee, Commissioner Nelson moved to release the draft for public review and set a public hearing on July 22, 2011. The motion carried unanimously on a voice vote.

Commissioner Nelson announced that the next Neighborhood Planning Committee meeting on Wednesday, June 15th has been cancelled.

VII. Central Corridor Brownfields Assessment Project – Informational presentation on current status by Josh Williams, PED staff. (*Josh Williams, 651/266-6659*)

Josh Williams, PED staff gave an update on the Central Corridor Brownfields Assessment Project, which is being funded with a grant from U.S. EPA. The City wanted to go out and get some resources for brownfield investigation. The EPA's definition of a brownfield is any property with either known contamination or suspected contamination that has inhibited redevelopment or full use of the property. That applies to a lot of properties in an urban corridor like the Central Corridor. There is a high likelihood in a city that has been developed for over 100 years that there will be some issues with contamination. By joining together with the partners on the light rail transit line (Met Council and Ramsey County) the City was able to apply for and receive a one million dollar grant which will allow investigation of approximately 20-25 properties along Central Corridor. There are also some funds to help engage the community and educate it about environmental assessment and some of the issues associated with contamination.

Mr. Williams talked about the project area, which has a large number of sites and is equivalent to the 'area of change' defined in the Central Corridor Development Strategy, similar to the area where zoning changes were recently enacted. There is a legacy of contamination whether it is from industrial uses, auto-related uses, or retail uses like dry cleaners. In the past businesses were not as careful as they are today about how chemicals like oil and solvents are disposed. There are also environmental justice issues in terms of the distribution of these contaminated properties. It tends to be found in communities that already have challenges facing them. Public health can also be put at risk; people live in these communities and if there is contamination on a site there is potential for exposure. Contaminants can be released as redevelopment occurs, so protecting the public health is a part of this.

The goal is to create a pipeline of sites. Once the sites are investigated and the type of contamination is determined a plan can be put together for clean-up. Then funds can be found to accomplish that clean-up. At this point knowing what the reuse of the site will be is key. Clean-up can be funded through various government programs but the awarding of those funds is tied to being able to show what the future use of the site will be.

These are the criteria that have been identified to select sites: 1) risk to human health; 2) development potential to fulfill the vision for the corridor; 3) readiness to develop; and 4) meeting affordable housing needs.

Currently there are four sites that are enrolled in the program and three additional properties are being evaluated for program eligibility. There are also two other sites with multiple properties that will be participating at some point in the future. It has taken a while from the time the funds were awarded to get things rolling but they are moving forward now and it is very positive.

Commissioner Connolly said that through his employer, he was aware of a church in Minneapolis that was working on redevelopment of a church parking lot. They received a similar type of funding to investigate the site and basically it looks like the church is going to be left with a problem to clean-up. And that was never the intent. The intent was to find out what the scope of the potential problem would be once development happened. Since then project has been scrapped. Commissioner Connolly wanted to know if there is something in place that would prevent owners from being left to deal with something that they never intended to have to deal with it.

Mr. Williams said that there is a risk in doing assessments that something will be found, and having to be faced with clean-up. The hope is that in being careful about evaluating project readiness that they will be in a position to find a way to make that clean-up happen.

Commissioner Connolly asked if part of the analysis include identifying specific sources of funds that could be brought to bear if the problem is bigger than anticipated or is it up to the owner to find the funds.

Williams said that the intent is to make sure that these projects are well positioned to compete with whatever funds are out there. And in talking with people who are considering using these funds for the assessment they are told that if their site is assessed, then the City is committing staff time to help find those additional resources for cleanup.

Commissioner Thao said currently the four properties are commercial properties, would any residential properties be considered for the Brownfields?

Mr. Williams said given how they define the project area there are not many solely residential properties in it. It's less likely but there is nothing in the guidelines or the way they are approaching this that would prevent participation of residential properties.

Commissioner Ochs commented on Commissioner Connolly and Thao's points. Connolly's point is that there should be a plan to back-up what some of these findings might be as these studies/findings could create an economic condition for any property owner that they were not prepared for. Contamination could be found on a site and no funds are available to help remedy it and it was not the current owner's responsibility yet they are expected to clean it up or be branded with having contaminated property. The owner may or may not be able to sell or do business at that point. So hopefully a way can be found to work with the community and some further investigation to help find resources so that a plan of action could be taken in the event an issue is found. In reference to Commissioner Thao's statement, the City might be hand selecting specific sites for assessment and it may not be fair to those who do not get selected. Commissioner Ochs thinks a sample area of residential areas could be examined as well because while there may not

be any particular industry on some of these zones, there may have been disposals of mercury or other things like that and these elements are found in their soil. So if the City is doing an assessment on the conditions of soils then more fair treatment should be given to the study area as a whole and provide a program or some sort of outlet.

Mr. Williams said in terms of funds for clean-up there is nothing they can do to prevent a case where something unexpected is found and it's difficult to find clean-up funds, but they are doing what they can to structure their program so that the assessments they are funding are going to be well positioned to compete for funds. And if it is of such a magnitude that it generates a really costly clean-up then the likelihood is it is a severe problem and will move up the ladder in terms of eligibility for funding. For example: PCA or EPA steps in on sites and if there is a severe problem that is impacting public health because exposure to contamination is happening then those are the sites that they are going to work on. Williams view is that contamination information on properties is going to come out eventually because in this day and age nothing can be done to a property, even selling it with out an investigation being done. And if there is a high level of contamination there will be a sign and when the lender or purchaser is doing their due diligence there will be something that raises a red flag. Whether it is discovered now or later it is going to come out. This also allows the City to keep an eye on it and maybe put some funds together and start to deal with it. Ultimately, it's not about dollars but about getting things cleaned up properly.

In regards to residential properties there are a couple of things to consider. There is one million dollars for this and in the end that is not enough to deal with every property. So decisions were made on how to allocate that money and staff tried to size the project area to be consistent with the amount of funds available. The other piece is the project area is consistent with where the City is directing its policy to catalyze redevelopment. That redevelopment area is drawn in a way that it avoids most of the traditional residential areas, in terms of solely residential uses. Most of the areas of single family housing or largely residential housing have only been housing. So the likelihood of contamination from some commercial use is much lower. Williams said they are considering an 'area-wide' study, which they've discussed with the EPA, but made a decision that they are not going to get their work program amended through EPA in order to pursue this option until they have investigation of a few properties with project funds completed.

Commissioner Ochs suggested that this broader area-wide study approach be used for future studies. An overall goal would be to create an assessment of the entire city and it gets done in pieces as specific studies are done and eventually there is a good analysis of the whole city and future problems can be addressed ahead of time.

VIII. Transportation Committee

Commissioner Spaulding announced the items on the agenda for the next Transportation Committee meeting on Monday, June 13, 2011.

IX. Communications Committee

No report.

X. Task Force Reports

None.

XI. Old Business

None.

XII. New Business

None.

XIII. Adjournment

Meeting adjourned at 9:48 a.m.

Recorded and prepared by
Sonja Butler, Planning Commission Secretary
Planning and Economic Development Department,
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Respectfully submitted,

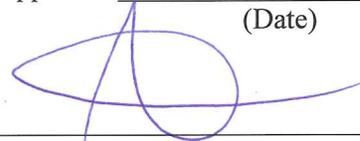


Donna Drummond
Planning Director

Approved

6-24-2011

(Date)



Anthony Fernandez
Secretary of the Planning Commission